

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1027 - HB 1310

March 24, 2017

SUMMARY OF BILL: Establishes the *Voter Protection Act* which requires each polling place to display a sign listing the rights of voters in Tennessee, including the list of rights with every distribution of official sample ballots, and offer it to voters at polling places. Requires the State Election Commission to create a manual of uniform polling place procedures which county election commissions must have available in hard copy or electronic form at each polling location.

Creates a Class D felony for threatening force or violence or using any tactic of coercion or intimidation to induce or compel any person to vote or refrain from voting or registering to vote. Creates a Class E felony for attempting to prevent or deter another person from voting or registering to vote based on fraudulent or deceptive information.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures –

\$44,500/FY17-18

\$12,800/FY19-20 and Every Four Years Thereafter

Increase Local Expenditures –

\$12,800/FY17-18 and Every Four Years Thereafter*

\$25,600/FY18-19 and Every Two Years Thereafter*

Assumptions:

- The proposed legislation establishes the exact language which must be included in the list of rights of voters which must be displayed at each polling place.
- There are 2,189 polling locations across the state.
- There will be a one-time increase in state expenditures of \$687 for the printing of 2,500 posters for polling locations.
- The State Election Commission is required to establish and print an election procedure manual which must be indexed by subject, including specific examples of common problems and procedures for voters in certain circumstances.
- The Division of Elections would opt to provide a printed manual to every polling place.
- The manuals will cost \$20 to print; resulting in a one-time increase to state expenditures of \$43,780 (2,189 locations x \$20 per manual).

- The total one-time increase in state expenditures in FY17-18 will be \$44,467 (\$687 posters + \$43,780 manuals).
- According to the Division of Elections, in a 2015 survey conducted on publication costs, each publication of sample ballots and hours of early voting cost approximately \$128,000 statewide.
- It is reasonably estimated that the inclusion of the voter's rights will increase the size of the current publication requirements, resulting in increased publication costs.
- The recurring increase in expenditures for additional publication costs is estimated to be \$12,800 per election.
- The proposed language will result in a mandatory increase in local expenditures of \$12,800 in FY17-18 and every four years thereafter; and in FY18-19 and every two years thereafter there will be a mandatory increase in local expenditures of \$25,600 (\$12,800 per election cycle x 2 election cycles) for the August primary and November general elections.
- In years with a Presidential Preference Primary, the state will be responsible for such costs; therefore in FY19-20 and every four years thereafter there will be an increase in state expenditures of \$12,800.
- The proposed language would make it an offense to coerce or intimidate persons to vote a particular way, refrain from voting, or refrain from registering to vote.
- Pursuant to Tenn. Code Ann. § 39-17-309, a person commits a Class D felony for intimidating another from exercising civil rights, including coercion of another person with the intent to intimidate another from the free exercise of any right or privilege secured by the constitutions and laws of the United States and Tennessee.
- The felonies created by the proposed language would currently be prosecuted pursuant to Tenn. Code Ann. § 39-17-309 as a Class D felony which requires a sentence greater than that of a Class E felony, pursuant to Tenn. Code Ann. § 40-35-111(b); therefore the proposed language will not significantly increase state incarceration costs.
- Any other knowing violation of the proposed legislation is considered a Class A misdemeanor.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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